

**Adam Wernicke**

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**From:** James Kleiner  
**Sent:** Friday, March 4, 2022 6:36 AM  
**To:** Yeung, Sindy; Hung, Rita  
**Cc:** Lam, Matthew; Adam Wernicke; Jesús Casas  
**Subject:** New York Arbitration - CEPSA v Chimbusco - HBN Ref: 7273.0008 [CC-FERO.44609.10295997.FID1470893]

**Categories:** M/V LEDRA

Dear Ms. Hung and Ms. Yeung:

We refer to your below email requesting a 21-day extension from March 9 to March 30, for your client, Chimbusco, to nominate the second arbitrator.

As you know, CEPSA's February 17 appointment of New York Arbitrator, Leo G. Kailas, was made pursuant to the parties' contract and Section 10 of the incorporated SMA Rules, which requires the other party (Chimbusco) to appoint an arbitrator within twenty (20) days of receipt of that notice (i.e., on or before March 9), failing which CEPSA, as the party demanding arbitration, may appoint a second arbitrator with the same force and effect as if that second Arbitrator were appointed by the other party.

Given the clear contractual right to New York arbitration, CEPSA strongly objects to Chimbusco's suggestion that it might later contest or interfere with this obvious jurisdictional right.

CEPSA would be willing to consider an extension of time for Chimbusco to appoint the second arbitrator, providing you first confirm Chimbusco's acceptance of its obligation to arbitrate in New York and that if an extension is granted, Chimbusco will indeed timely appoint such arbitrator and proceed in good faith with the arbitration.

We will await such confirmation by return.

Meanwhile, CEPSA has not and will not waive its rights, actions, defenses and remedies under the applicable contract and law, including but not limited the right to arbitration in NY.

Very truly yours,

**James D. Kleiner**  
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**From:** Yeung, Sindy [mailto:Sindy.Yeung@clydeco.com]  
**Sent:** Thursday, March 3, 2022 2:39 AM

**To:** James Kleiner <jkleiner@hillbetts.com>; Adam Wernicke <awernicke@hillbetts.com>; Jesús Casas <jesus.casas@casasabogados.com>  
**Cc:** Lam, Matthew <Matthew.Lam@clydeco.com>; Hung, Rita <Rita.Hung@clydeco.com>  
**Subject:** Re: [External] Arbitration Demand - CEPSA v Chimbusco - HBN Ref: 7273.0008 [CC-FERO.44609.10295997.FID1470893]

Dear Sirs

We refer to your letter dated 17 February 2022 demanding arbitration in New York and nominating Mr. Leo G. Kailas as arbitrator on behalf of your client.

We are instructed to request for an extension of time of 21 days, i.e. until 30 March 2022, for our client to nominate its arbitrator in the arbitration. Please let us know if your client agrees as soon as possible by Monday, 7 March 2022.

In the meantime, all our client's rights are reserved, including but not limited to the right to challenge jurisdiction of the arbitration.

Best regards

Rita Hung/ Cindy Yeung  
Senior Associate/ Associate | Clyde & Co  
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